



CITY OF TUCSON PLANNING & DEVELOPMENT SERVICES

Sign Code Advisory & Appeals Board
201 N. Stone Ave
Basement Conference Room "C"
Tucson, AZ 85701

NOTICE OF DECISION
Case No. S-09-08
63 E. Congress Street, Suite 111
Jimmy John's Gourmet Sandwiches

<u>Public Hearing:</u>	September 16, 2009
<u>Board Members Present:</u>	Mark Jones, Leigh Robinson, Jim Ayres, Roger Sliker, Jim Hannley, Mike Finkelstein
<u>Board Members Absent:</u>	Steve Shell
<u>Staff Present:</u>	Heather Thrall, Tom McMahon, Sue Montes, Glenn Moyer, Sue James
<u>Owner:</u>	Sixty Three Building, LLC
<u>Applicant:</u>	Sign Magic
<u>Speakers:</u>	Bob Kuhlmann

Chapter 3, Article VI Signs By District, Sec. 3-81 - Pedestrian Business District.

As proposed, the applicant's request requires a variance to:

Chapter 3, Section 3-81.D.7.i: Projecting Signs
Maximum height: 12 feet from grade (pedestrian surface) to top of sign.

The applicant is proposing to install a projecting wall sign on the south building wall of the location, along Congress Street. The sign would be: illuminated, have 16 square feet in area, and project a maximum of five feet from the building wall, into the right of way over the public sidewalk. The applicant has further designed the sign to be built at a height of 18' off the ground to the top of the sign.

Ms. Robinson made a motion to grant the requested variance for a 16 sq. ft. projecting wall sign on the north side of Congress Street at 18 ft. off the ground to the top of the sign due to the fact that there are special circumstances applicable to the property which prevent compliance with the City Sign Code. Also, the variance is the minimum to afford relief and will not result in a special privilege to the property. Motion seconded by Mr. Finkelstein. Motion passes 6-0.

DECISION – VARIANCE GRANTED: The Board grants this variance because there are special circumstances applicable to the property including its physical circumstances, which prevent compliance with the City Sign Code, and that the variance will not result in a special privilege to the property. Additionally, that

the variance is the minimum to afford relief and will not materially affect the health, safety, and welfare of the neighborhood.

IMPORTANT NOTICES: (1) IN CASES GRANTED THAT REQUIRE A SIGN PERMIT, PERMIT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS FROM THE DATE OF THIS MEETING. THE DSD DIRECTOR MAY GRANT AN ADDITIONAL 180 DAYS EXTENSION FOR GOOD CAUSE. (2) THE DECISION OF THE BOARD MAY BE APPEALED TO THE MAYOR AND COUNCIL BY FILING AN APPEAL WITH THE CITY CLERK WITHIN 15 DAYS AFTER THE DECISION OF THE BOARD, OR BY FILING A COMPLAINT FOR SPECIAL ACTION IN THE SUPERIOR COURT WITHIN 30 DAYS AFTER THE DECISION OF THE BOARD.

(A CASSETTE RECORDING OF THIS MEETING IS AVAILABLE UPON REQUEST AT THE CITY CLERK'S OFFICE.)

Sue Montes
Secretary
Development Services Department